

APPEAL NO. 020898
FILED MAY 28, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 13, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable (low back) repetitive trauma injury with a date of injury of _____ (all dates are 2001 unless otherwise noted); that the respondent (carrier) is relieved of liability pursuant to Section 409.002 because the claimant failed to timely report his alleged injury pursuant to Section 409.001; and that the claimant did not have disability.

The claimant appeals, asserting that the hearing officer erred in his decision and citing evidence to support his position. The carrier responds, urging affirmance.

DECISION

Affirmed.

The claimant was employed as an "electrician/foreman" and alleges a repetitive trauma injury to his low back with a date of injury of _____ and disability from July 16 through the date of the CCH. The hearing officer found that the claimant had long-standing degenerative disc disease, an ordinary disease of life, and that on several occasions during his testimony at the CCH, the claimant said that he knew his back pain was work related "in late May or early June" (see Section 408.007 for the definition of date of injury for a repetitive trauma occupational disease injury); the hearing officer found a June 1 date of injury. Although there was conflicting evidence as to what the claimant may have told his employer on or about July 17, the hearing officer found that the employer received notice of a work-related injury "no earlier than August 27," a finding which is supported by the employer's testimony. The hearing officer commented that because the claimant had not sustained a compensable injury, he did not have disability. See Section 401.011(16) for the definition of disability. We hold that the hearing officer's determinations are supported by sufficient evidence. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **STATE FARM FIRE AND CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**MR. RON DODD
STATE FARM FIRE AND CASUALTY COMPANY
8900 AMBERGLEN BOULEVARD
AUSTIN, TEXAS 78729-1110.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Roy L. Warren
Appeals Judge